D O N A T E D
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CHAPTER III.

RULES RELATING TO MILLS IN ESTATES OF CLASSES (i) AND (ii).

26. No previous permission required for construction unless Collector otherwise orders.

27. No new *Jama* to be imposed.

28. Procedure; functions of Patwari and Tehsildar.

29. No register to be maintained with respect to such mills.

CHAPTER IV.

RECORD OF WATER MILLS.

30. How mills to be shown in Patwar papers.

31. Mills to be shown in Jamabandi Forms.

THE WATER MILLS (JANDAR AND GHARAT) ACT, 1989.

Act No. XVII of 1989.

[*Sanctioned by His Highness the Maharaja Bahadur* vide *Prime Minister's endorsement No. 9367-G. B., dated 26th August, 1932, published in Government Gazette dated 2nd Maghar, 1990*].

WHEREAS it is expedient to amend the rules relating to Water Mills (Jandar and Gharat), it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Water Mills (Jandar and Gharat) Act No. XVII of 1989.

2. This Act shall extend to the whole of the Jammu and Kashmir State except the following tracts, namely :—

1[(a) Canals and their off-shoots under the Irrigation Branch of the Public Works Department and areas under them;

(b) Any tract, town or part of a town in the State which may be exempted permanently or for some period under 2[Government's] orders notified in the Jammu and Kashmir Government Gazette.]

3[Explanation.—For purposes of 4[clause (a)] the escape water from a canal flowing down into a channel carrying water from a source other than a canal shall not be deemed to be an off-shoot of such canal.]

1. In section 2 clauses (c) and (e) renumbered as (a) and (b) *vide* Act IV of 1955 published in Government Gazette dated 24th November, 1955. For earlier amendments see Act X of 2010.

2. In section 2 (b) "Government's" substituted for "His Highness" *vide* Act X of 1996 published in Government Gazette dated 15th Bhadon, 1996.

3. Explanation to section 2 inserted *vide* Act XXV of 2007, published in Government Gazette dated 11th Phagan, 2007.

4. In the explanation to section 2, "clause (a)" substituted for "clause (c)" *vide* Act IV of 1955, published in Government Gazette dated 24th November, 1955.

CHAPTER II.

PROCEDURE TO REGULATE THE CONSTRUCTION OF NEW MILLS IN ESTATES OF CLASS (i).

15. Any person wishing to start a new mill in an estate of class (i) must apply in writing to the Tehsildar, on one rupee stamp, for permission to do so. The Tehsildar will then order the Patwari to prepare *shajra* and *khasra*, and when these papers are received, will record statement of the applicant and issue a notice to all concerned to file their objections within a period to be specified, which shall in no case be less than a month.

The notice will be issued in duplicate, one copy to be pasted in a conspicuous place in the estate in which the site of proposed mill is situated; the second copy will be placed on the file with a report of service.

16. After preparation of *shajra* and *khasra* and expiry of the period of notice, the Tehsildar should completely satisfy himself, by personal enquiry on the spot, as to whether the construction of the proposed mill is not in any way detrimental to the interests of the existing mill-owners or the irrigation of land.

Even if no objections have been put in, the Tehsildar should satisfy himself that the water of the *kuhl* out of which the channel to work the mill has been taken out, again rejoins it and does not go away elsewhere.

If it appears that the proposed construction of the mill will be harmful so far as irrigation of land is concerned, the working of the mill should be allowed for a period other than the one when water is required for irrigation purposes. When a channel for the water mill is taken out of a *nallah* wherein exists a trout nursery or where trout is stored for game purposes, the Fish Preservation Department should be consulted before the permission sought for to construct the water mill is granted. Objection, if any, raised by the Fish Preservation Department will be a sufficient justification for rejecting the application.

17. Any person intending to put in his objections should do so in writing on one rupee stamp within the period specified in the notice. Objections put in after that period should generally be rejected unless reasonable ground for the delay caused is shown.

18. If the Tehsildar is satisfied, that existing rights are not interfered with, and if no objections have been filed, or objections filed have been rejected after due enquiry, the Tehsildar will issue orders permitting the applicant to construct the proposed mill. If the proposed mill has not been constructed or started within one year of the date of granting permission, the same will be deemed as cancelled.

Orders and Notifications pertaining Water Mills.

(A) MINISTRY OF REVENUE.

*NOTIFICATION.

No. R-10 Dated 29th January, 1935.

Under section 3 of the Water Mills (Jandar and Gharat) †Regulation No. XVII of 1989, it is hereby notified that this †Regulation came into operation from 2nd Maghar, 1990 the date of third publication of the Urdu version of the †Regulation in Government Gazette No. 5 Vol. 46.

*Published in J & K Government Gazette, dated 25th Magh, 1991/7th February, 1935.

†Word 'Regulation' is now to be construed as 'Act'.

(B) DELEGATION OF POWERS TO REVENUE COMMISSIONER IN MATTERS RELATING TO 'GHARATS' AND 'JANDARS'.

Extract from Council Order No. 503-C (a) and (b) of 1939 (published in Government Gazette dated 12th Sawan, 1996).

It is ordered that the *(Revenue Commissioner) be empowered to dispose of the following cases finally and that necessary amendment be made in the Rules on the subject :—

19. Matters relating to 'Gharats' and 'Jandars'.

* *Vide* Cabinet Order No. 1070-C of 1952 (published in Government Gazette dated 29th Katik, 2004) Commissioner will now exercise such powers.

Orders and Notifications repealed.

WATER MILLS.

List of Rules, Orders, Notifications etc. repealed or obsolete.

1. Ailan No. 9 dated 10th Bhadon, 1963 (published in Zabita Mal Part I, pages 896-903) regarding Water Mills Rules for Kashmir Province.

2. His Highness' Command Order (conveyed *vide* Chief Minister's letter No. 2937 dated 25th July, 1917 and published as Ailan No. 11 dated 10th Bhadon, 1974 in Circularat Mal part V, page No. 53) regarding Water Mills Rules, Gilgit District.

3. His Highness' Command Order No. 235 dated 25th Bhadoon, 1976 (published as Ailan No. 23 dated 2nd Magh, 1976 in Circularat Mal part V, page No. 106) regarding amendment to section 9 of Water Mills Rules.

4. His Highness' Command Order No. 168/303 dated 29th Sawan, 1978, (published as Ailan No. 22 dated 28th Magh, 1978 in Circularat Mal part V, page No 166) regarding entry as Assamies of persons starting Gharats in Kashmir Province on Khalsa areas.

5. Ailan No. 44 dated 30th Chet, 1980 (published in Circularat Mal part V, page No. 232) directing that Revenue on water mills should not be written off until the owner applies for it.